IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7722 OF 2004

Rajaram Gangaram Maghade — Petitioner
vs.
The State of Maharashtra & ors. — Respondents

Mr.J.P.Kharge for the petitioner.

Mr.S.R.Nargolkar,A.G.P. for respondents 1 and 2.

Mr.A.M.Nathani for the respondent no.3.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 5th April 2005

P.C.

Heard Mr.J.P.Kharge, the learned counsel for the petitioner and Mr.S.R.Nargolkar, A.G.P. for respondents 1 and 2. We also perused the writ petition and the documents annexed thereto and the reply affidavit filed by the Deputy Labour Officer, Office of the Deputy Commissioner of Labour, Thane.

2. It appears that the petitioner made an application before the Government Labour Officer, Thane for intervention in the matter concerning his wrongful termination by the employer (respondent no.3). It also appears that thereafter the petitioner did not appear before him though he was called three times for remaining present on 7th June 2003, 21st July 2003 and 4th August 2003. The employer submitted his say before

the Government Labour Officer and set up the case that the petitioner in fact was engaged as contractor being sole proprietor of M/s.Laxmi Furniture Works. The employer denied that the petitioner was engaged as carpenter as alleged. Since the petitioner did not appear before the concerned authority despite opportunity having been given to him, the Government Labour Officer consigned the matter to file after considering the say of the employer.

3. No rejoinder has been filed by the petitioner controverting the aforesaid facts set out in the reply affidavits of the respondent nos.2 and 3.

4. No case for invocation of writ jurisdiction is made out.

5. Writ petition is dismissed in limine.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)